



United States Mission to the OSCE

FREEDOM OF ASSOCIATION THE RIGHT OF PEACEFUL ASSEMBLY

**Statement by Ambassador Stephan M. Minikes
U.S. Delegation to the Human Dimension Implementation Meeting
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Mr. Moderator, the rights to freedom of peaceful assembly and association are integral to democratic development. Without them, civil society – including political parties and non-governmental organizations – simply cannot function in any meaningful way.

More than a decade after the fall of communism, citizens in much of the OSCE region enjoy these elementary rights. In some participating states, however, they are unable to join non-governmental organizations, or to assemble without fear of retribution. Of particular concern are the actions of some States that directly contravene their Copenhagen 1990 commitments to “ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms, including trade unions and human rights monitoring groups.”

In Belarus, for example, the rights of citizens to association and assembly have come under increasing assault over the last few months. The U.S. Agency for International Development (USAID) implementing partner, IREX, has been forced to leave Belarus after the authorities refused to renew its license. Since the beginning of July, three Belarusian NGOs – Ratusha, Varuta and Kontur – have been liquidated. The Human Rights Center “Viasna,” the public association “Legal Assistance to the Public,” the Belarusian Helsinki Committee, the Lew Sapeha Foundation and Narodnaya Gromada have been pressured and threatened. The highly regarded independent National Humanities Lyceum, which featured instruction free of state indoctrination, has been closed by the authorities.

In August, President Lukashenko signed into law a bill on demonstrations passed by the National Assembly that allows authorities to ban political parties, trade unions and other organizations if they are found guilty of even the smallest breach of the law during rallies. This is entirely contrary to Belarus’ OSCE commitment to respect and guarantee the right of individuals or groups to “establish, in full freedom, their own political parties and to form and...freely to join a trade union.” It also contravenes the commitment that everyone will have the right to “demonstrate.” We call on the Government of Belarus to abolish this law or to amend it to ensure compliance with OSCE commitments.

In Central Asia, the rights of assembly and association are flouted by the authorities and often are simply denied outright. The Government of Turkmenistan, for instance, does not even acknowledge either of these rights. It does not permit citizens to form any political parties, other than the official government party, nor does it allow any public demonstrations, meetings or assemblies, other than those the government itself organizes.

Uzbekistan has since 1993 refused to permit any political opposition or demonstrations. Of particular interest, therefore, are the recent organizational meetings of the opposition party Birlik, which – in preparation for re-registration – was able to hold a congress in June 2003. We hope this signals a more liberal approach to opposition sentiment and activity, and that political parties will be registered and permitted to take part in political life again. As for freedom of assembly, some recent demonstrations have been tolerated, but others have been harshly dispersed. A planned protest meeting outside the Uzbek parliament on August 29 failed when police preemptively removed would-be protesters from the scene and warned them against further attempts to stage protests. During that incident, human rights activist Elena Urlaeva, whom the government has sent on several occasions to psychiatric institutions for treatment of the “antisocial tendencies” she has exhibited – a horrific throwback to Communist-era penal practices – was beaten while in police detention for several hours at the local government office of the city’s Mirzo-Ulugbek district.

In Kazakhstan, the passage of a law raising dramatically the membership threshold required for political parties to register has imposed an unnecessary barrier to the right of citizens to exercise freedom of association. In Kyrgyzstan, constitutional amendments passed in February 2003 require that all public meetings, demonstrations, hunger strikes, and other forms of assembly be announced in advance, but the government has so far failed to clarify the procedures for such advance notification.

During the Armenian presidential elections in February-March this year, the authorities reacted to large demonstrations organized by the political opposition by arresting over 150 demonstrators and jailing many of them on administrative charges. These arrests raised serious concerns.

In Azerbaijan, rallies organized by the opposition have often been dispersed by the authorities, sometimes harshly. The most egregious example is the violent disruption of rallies on September 20-21 in Lenkoran, Massali, and Baku, when police beat attendees. In fairness, other public rallies have been permitted and gone off peacefully. As the October 15 presidential election approaches, it is critically important for Azerbaijan that voters be able to meet with candidates and that all political parties be allowed to organize peaceful rallies, as is their constitutional right. It is also imperative that Georgia’s elections meet the standards set by the OSCE and the commitments made to former Secretary of State James A. Baker III.

In conclusion, we suggest that participating States consider Freedom of Assembly as a topic for one of next year’s Supplementary Human Dimension Meetings. We have not held an SHDM on this topic in the past five years. Such a meeting could review the degree to which laws on Freedom of Assembly throughout the OSCE area are consistent with OSCE commitments and other international standards, and examine what more participating States can do to better implement our commitments in this regard. Thank you!